

**United States District Court****for the****Eastern District of Washington**FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON**Nov 03, 2020**

SEAN F. McAVOY, CLERK

**Petition for Warrant or Summons for Offender Under Supervision**

Name of Offender: Billy J. Koschney Case Number: 0980 2:17CR00128-RMP-6  
 Address of Offender: Spokane County Jail - 1100 West Mallon Avenue Spokane, WA 99206  
 Name of Sentencing Judicial Officer: The Honorable Rosanna Malouf Peterson, U.S. District Judge  
 Date of Original Sentence: January 10, 2018  
 Original Offense: Bank Fraud, 18 U.S.C. § 1344(1)  
 Original Sentence: Prison - 116 Days; Type of Supervision: Supervised Release  
 TSR - 60 Months  
 Asst. U.S. Attorney: David M. Herzog Date Supervision Commenced: January 10, 2018  
 Defense Attorney: Molly Marie Winston Date Supervision Expires: January 9, 2023

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**PETITIONING THE COURT**

To incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court on 4/23/2020, 10/15/2020, 10/26/2020 and 10/29/2020.

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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9	<b><u>Mandatory Condition #3:</u></b> You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.
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**Supporting Evidence:** Mr. Billy Koschney is alleged to have violated mandatory condition number 3 by ingesting methamphetamine on or about October 25, 2020, based on urinalysis testing.

On January 16, 2018, Mr. Koschney signed his conditions relative to case number 2:17CR00128-RMP-6, indicating he understood all conditions as ordered by the Court. Specifically, Mr. Koschney was made aware by his U.S. probation officer that he was required to refrain from any unlawful use of a controlled substance.

Specifically, and as the Court may recall, on October 24, 2020, Mr. Koschney, while residing at the Spokane Residential Reentry Center (RRC), had requested to travel to the hospital following a described medical emergency. Mr. Koschney was initially released to travel to the hospital at approximately 11:10 p.m. on October 24, 2020, and later contacted staff upon his arrival at Sacred Heart Hospital at approximately 3:15 a.m. on October 25, 2020. Sacred Heart Hospital is a 1 hour and 17 minute walk from the Spokane RRC according to mapping websites.

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Due to Mr. Koschney being unaccounted for in the community, he was subsequently directed to return to the Spokane RRC. Upon Mr. Koschney's return to the Spokane RRC, he submitted to urinalysis testing. Mr. Koschney was denied a request to immediately return to the hospital in Spokane due to his being unaccounted for in the community at which time he made the decision to remove himself from Spokane RRC residency. This conduct was previously reported to the Court in the petition dated October 26, 2020.

On November 2, 2020, the undersigned officer received a laboratory confirmation report specific to Mr. Koschney, and as provided through e-mail by the Spokane RRC assistant director. It should be noted that Mr. Koschney resided at the Spokane RRC beginning on October 9, 2020, until he removed himself from services on October 25, 2020. The lab report shows a sample collection date of October 25, 2020, and according to the assistant director, was collected by Spokane RRC staff upon the client's arrival back to the facility from the hospital and prior to his decision to remove himself from RRC services. The lab report serves to confirm the sample as submitted by the client as being positive for methamphetamine.

It should also be noted, on October 29, 2020, a petition was submitted alleging the client's previous use of methamphetamine as occurring on or about October 23, 2020. Following a comparison of the reports, it was observed that a significant spike in the levels of methamphetamine detected in the second sample existed. Such an influx in levels is consistent with the client's continued use of methamphetamine. As a result, this petition is now being submitted to the Court.

The U.S. Probation Office respectfully recommends the Court to incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: November 3, 2020

s/Chris Heinen

Chris Heinen  
U.S. Probation Officer

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THE COURT ORDERS

- ☐ No Action
- ☐ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☒ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☐ Defendant to appear before the Judge assigned to the case.
- ☒ Defendant to appear before the Magistrate Judge.
- ☐ Other



Signature of Judicial Officer

11/3/2020

Date